

Robert Mozzer #73936
W.S.C.C.
P.O. Box 7007
Carson City, NV. 89702

Plaintiff in Pro-se

U.S. DISTRICT COURT
DISTRICT OF NEVADA
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**UNITED STATES DISTRICT COURT
NORTHERN STATE OF NEVADA**

Robert Mozzer,
Plaintiff,

Vs.

CV-N-04-0100-LRH-RAM

Washoe County Detention Facility,
Prison Health Services Inc.,
Reno Police Department,
Dr. Patin
John Doe #1,
John Doe #2,
Defendants

Civil Rights Complaint Pursuant to 42 U.S.C. 1983

Jury Trial Demanded

A. JURISDICTION:

This complaint alleges that the civil rights of plaintiff, Robert Mozzer, who presently resides at the Warm Springs Correctional Center, 3301 E. Fifth Street, Carson City, NV. 89702, were violated by the actions of the below named individuals which were directed against plaintiff at the Washoe County Detention Center on the following dates:

Count 1: April 23, 2002

6.

- I. Name of the first defendant is: John Doe #1. His full name and address is unknown at this time. He is employed as a deputy sheriff corrections officer at the Washoe County Detention Facility in Reno, NV. And was in charge of unit one where I was housed at 1:30 a.m. on April 24, 2002. This defendant is sued in his individual and official capacity. This defendant was on duty and acting under color of law at the detention facility when he refused to call for medical help after plaintiff informed him of his injuries and instead he ordered and compelled plaintiff to go to work.
- II. Name of the second defendant is: Dr. Patin. First name and home address is unknown at this time. This defendant is employed as a medical Doctor at the Washoe County Detention Facility, Prison Health Services Division, Reno, NV. This defendant is sued in his individual and official capacity. This defendant was on duty and acting under color of law at the detention facility when he refused plaintiff medical treatment.
- III. Name of the third defendant is: John Doe #2. His full name and address is unknown at this time. This defendant is employed as sheriff of Washoe County, Reno, NV. He is responsible for the operations at the Washoe County Detention Facility in Reno, NV. Including medical treatment to injured inmates. This defendant is sued in his individual and official capacity. This defendant was on duty and acting under color of law at the time plaintiff was refused medical treatment.

Jurisdiction is invoked pursuant to 28 U.S.C. 1343 (a) (3) and 42 U.S.C. 1983.

B. NATURE OF THE CASE:

On April 23, 2002 Plaintiff Robert Mozzer was an inmate at the Washoe County Detention Facility and was returning to the housing unit from working all day in the Kitchen. On the way to the housing unit plaintiff had to walk through a tunnel that is about a half mile long and partly underground that connects the old part of the jail with the new expansion units. About 25 feet into the tunnel, 5 feet around the first of many blind turns, plaintiff's feet slipped out from under him on a puddle of soapy water that was negligently left behind from the improper use of a floor-cleaning machine operated by an employee (or crew boss) of the Detention Facility. Plaintiff sustained injuries to his wrist, back and neck. It was later discovered from X-rays at the Nevada State prison that the extent of the injuries and the cause of the constant pain and discomfort plaintiff had been and still is experiencing is a broken vertebrae that connects the disks in the back of his neck. Surgery is needed to repair these disks. Without such surgery, plaintiff risks being paralyzed.

C. CAUSE OF ACTION:

COUNT 1

The Following Civil right has been violated: **Eighth amendment right to the constitution of the United States against cruel and unusual punishment.**

On April 24, 2002 Plaintiff Mozzer saw Dr. Patin and told him he had slipped and fell on his rear with his left hand extended out to brace the fall. Plaintiff told Dr. Patin that his back and left wrist hurt. He gave plaintiff an ace bandage for his wrist and told him to wait out front to have pictures taken of his injuries. While waiting, plaintiff's neck locked up. Deputy Moore took pictures of plaintiff's wrist and asked if anything else hurt, plaintiff informed him that his neck had locked up on him and deputy Moore took additional pictures of his neck. On April 24, 2002 at about 1:30 a.m., plaintiff Mozzer was awoken by the unit 11 officer defendant John Doe #1 and ordered to go to work. Plaintiff awoke in pain, and his neck was locked, plaintiff had informed the officer of his fall the day before and told him that he needed to go to the infirmary. The officer told plaintiff no. "either go to work or go to the hole." Plaintiff went to work. After eight hours of horrendous pain in his neck, and the aggravation of not being able to see a doctor, plaintiff went back to his unit and filed a claim against the Washoe County Risk Management Division. A few days later the detention center received wind of this claim, plaintiff was sent back to see Dr. patin. The doctor asked what was the problem with his neck and plaintiff informed him that his neck keeps locking up, it hurts when turning, and he can hear crunching noises in it and the pain is **unbearable**. Dr. Patin, after just looking at his neck, said it's nothing, just a "pulled muscle," and prescribed muscle relaxers. Plaintiff asked if he could at least have a neck brace and Dr. Patin said no, "they're unauthorized." The plaintiff, after the four months he was there after the incident, complained in kites that his neck was not getting any better, all that was done was that he was given more muscle relaxers. This action was denying plaintiff medical treatment and still is. The Washoe County Detention Center is now well aware of the seriousness of the injury and still has not offered medical treatment.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF:

No other action involving the facts stated herein has been filed in state or federal court.

An unrelated previous 1983 civil suit was filed in 1998 alleging illegal search and seizure. It was denied/dismissed due to the two-year statute of limitations. (Actual case number and dates are unavailable.)

Another unrelated 1983 civil suit was filed in 1998 seeking an order to a lower court to answer an appeal after three years of no progress. It was denied. (Actual case number and dates are unavailable.)

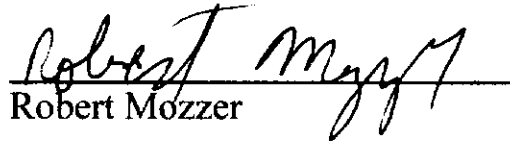
An administrative remedy was initiated in an attempt to resolve this matter. A complaint was filed with the Risk Management, on April 26, 2002 at the address of 1001 E. Ninth Street, Reno, NV. And filed under #22327. On August 20, 2003 I received a letter from the risk management informing me that they must obtain and review the records before discussing a settlement. No response has since been received despite my repeated inquiries.

E. REQUEST FOR RELIEF:

I request monetary compensation in the amount of _____?_____ for the violation of my civil rights, and an additional _____}_____ for the pain and suffering caused by the violation, and an additional _____?_____ for the cost of surgery and related hospitalization expenses.

(Actual amounts/damages should be determined after consultation with counsel.)

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**


Robert Mozzer

Dated this 1 day of March 2004.